

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

Docket No.

**STIPULATION WITHDRAWING APPEAL FROM ACTIVE CONSIDERATION,
WITHOUT PREJUDICE, WITH LEAVE TO REACTIVATE**

The undersigned counsel hereby stipulate that the above-captioned appeal is hereby withdrawn from active consideration before the Court. Such withdrawal shall be **without prejudice** to a reactivation of the appeal by appellant's counsel so notifying this Court by filing written notice of reactivation with the Clerk of this Court on or before: *[Enter date certain]*.

If not thus reactivated, the appeal shall be deemed withdrawn with prejudice and without costs or attorneys fees incurred to date. See Hertzner v. Henderson, 292 F.3d 302 (2d Cir. 2002).

Withdrawal of the appeal from active consideration **shall not** operate as a dismissal of the appeal under Rule 42(b) of the Federal Rules of Appellate Procedure.

Signature Block for Attorney for Appellant

Signature Block for Attorney for Appellee

SO ORDERED.

Counsel: Please print name and
firm under signature.

Dated: